

**REMARKS**

In the Office Action dated August 9, 2006, the Examiner rejects pending claim 1 as obvious under 35 U.S.C. 103(a) over U.S. Patent No. 5,913,215 to Rubinstein ("Rubinstein") in view of U.S. Patent No. 5,701,469 to Brandli ("Brandli").

Additionally, the Examiner rejects pending claim 1 under the judicially created doctrine of double patenting over claims 1 through 45 of U.S. Patent No. 6,711,568. By way of the present amendment, Applicants hereby add new claims 2 through 17. Applicant respectfully traverses the obviousness rejection and requests allowance of the pending claims for at least the reasons presented below.

Regarding the rejection of claim 1 under the judicially created doctrine of double patenting, Applicants submit herewith a timely filed terminal disclaimer in compliance with 37 C.F.R. 1.321(c). Applicants assert that the terminal disclaimer filed herewith obviates the judicially created double patenting and respectfully request withdrawal of the rejection.

Turning to the rejection of independent claim 1, neither Rubinstein nor Brandli, either alone or in combination, teach or suggest each element of independent claim 1. Rubinstein discusses systems and methods that allow users to browse content by prompted keyword phrases. Abstract. Rubinstein allows a user to select a query expression from a scrollable area that presents keywords and keyword phrases on a display screen. Col. 2, Ins. 44-47. Keyword phrases are identified from a plurality of documents. The user is prompted to construct a query expression in which at least one of the keyword phrases is an operand and one of the plurality of documents is identified based on the query expression. Col. 2, Ins. 39-43. According to another embodiment of

Rubinstein, a search expression is communicated to a plurality of search engines, which return URLs of web pages containing text consistent with the search expression. Col. 3, lns. 5-8. Redundant URLs are filtered from which an automatically generated list of keyword phrases can be extracted and used to prompt the user to construct a query expression. Col. 3, lns. 9-14.

Brandli discusses systems and methods for improving the accuracy of search results through the use of indexing techniques. Abstract. According to Brandli, a content index is a structure that “indexes multiple documents and includes indexing data (e.g., keywords) and reference data that refers to the documents that contain the indexing data.” Col. 1, lns. 25-39. The search technique of Brandli begins with searching a content index to identify an initial search result set responsive to search criteria, the accuracy of which is improved by removing reference to false positives and adding references to false negatives. Col. 2, lns. 20-27. A false positive includes “references to objects that no longer exist in the collection of objects and references to objects that no longer match the search criteria.” Col. 2, lns. 27-29. A false negative “include references to objects that are new to the collection of objects and match the search criteria,” and “references to objects that have been modified since they were last indexing in the content index and now match the search criteria.” Col. 2, lns 30-35.

By contrast to both Rubinstein and Brandli, independent claim 1 of the present application is directed towards a computerized method for estimating coverage of search engines, each search engine maintaining an index of words of pages located at specific address in a network. The method according to claim 1 comprises generating a random query, the random query being a logical combination of words found in a training

set of the pages, submitting the random query to a first search engine and receiving a set of URLs in response to the random search query, from which a particular URL identifying a sample page is randomly selected. The method further comprises generating a strong query for the sample page and submitting the strong query to a second search engine. Result information received in response to the strong query is compared to determine if the second search engine has indexed the sample page.

Both Rubinstein and Brandli, either alone or in combination, fail to teach or suggest at least randomly selecting a particular URL identifying a sample page, generating a strong query for the sample page and submitting the strong query to a second search engine, as claimed. The Examiner concedes that Rubinstein fails to teach or suggest submitting the strong query to a second search engine. According to Rubinstein, an “initial set of web pages can be saved and then queried in a second level query” such that when a new search is entered the initial set of web pages previously obtained can be searched rather than searching for new pages related to the search expression. Col. 17, lns. 36-41.

Applicants assert that Rubinstein teaches away from the elements of independent claim 1 as Rubinstein discusses searching an initial set of pages using a search expression, not a second search engine. Indeed, in discussing the search of an initial set of pages (referred to as a “second level query”), Rubinstein is silent with regard to the selection of a random URL identifying a sample page and generating a strong query for the sample page. Furthermore, there is no comparison in Rubinstein to determine if the second search engine has indexed the sample page. At most, Rubinstein discusses “document filtering,” which “allows the initial set of web pages to be shuffled

between the Contents and Discards view with each new search expression, depending on whether the web pages contain expression-matching text.”

Brandli fails to cure the deficiencies of Rubinstein. Applicants respectfully assert that the Examiner’s characterization of Brandli is incorrect as Brandli is also silent with regard to the selection of a random URL identifying a sample page and generating a strong query for the sample page. As indicated above, Brandli discusses increasing the accuracy of search results through the exclusion of false positive and inclusion of false negatives in a result set. The portions of Brandli upon which the Examiner relies discuss this process and are silent with regard to the elements comprising independent claim 1 and instead discuss the exclusion of false positives and exclusion of false negatives. Contrary to the Examiner’s conclusion, Brandli does not discuss the random selection of a particular URL identifying a sample page and generating a strong query for the sample page but rather discusses the refinement of a stored search results.

In addition to the foregoing, both Rubinstein and Brandli, either alone in combination, fail to teach or suggest submitting the strong query to a second search engine and comparing result information received in response to the strong query to determine if the second search engine has indexed the sample page. According to Brandli, an object direct search engine (which appears to be part of the content-index search engine) takes search criteria and references to objects that are new or have been modified but not yet included in the stored search result to determine whether the objects meet the search criteria; there is no teaching or suggesting of receiving a strong query generated for a randomly selected sample page at a second search engine and comparing to determine if the second search engine has indexed the sample page. Although Brandli

discusses a comparison, there is no teaching or suggestion of comparing result information received in response to the strong query to determine if the second search engine has indexed the sample page. Instead, Brandli discusses comparing objects in a corpus with objects indexed by a content-index to identify objects that have not yet been indexed by the content index and objects that have been modified since they were last indexed. Accordingly, Applicants assert that independent claim 1 is not obvious over Rubinstein in view of Brandli and respectfully request allowance regarding the same.

The dependent claims of the present application contain additional features that further substantially distinguish the invention of the present application over Thomas and the prior art of record. Given the Applicants' position on the patentability of the independent claims, however, it is not deemed necessary at this point to delineate such distinctions.

For at least all of the above reasons, Applicants respectfully request that the Examiner withdraw all rejections and objections, and allowance of all the pending claims is respectfully solicited. To expedite prosecution of this application to allowance, the examiner is invited to call the Applicants' undersigned representative to discuss any issues relating to this application.

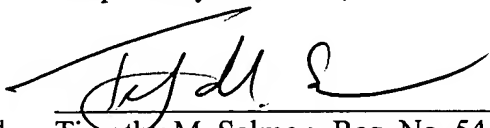
Dated: January 9, 2007

Respectfully submitted,

I hereby certify that the correspondence attached herewith is being deposited this date with the U.S. Postal Service as First Class Mail with sufficient postage addressed to Mail Stop: Amendment, Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450.

  
Susan Formicola

1/9/2007  
Date

  
Timothy M. Salmon, Reg. No. 54,420  
Reg. No.  
DREIER LLP  
499 Park Ave.  
New York, New York 10022  
Tel : (212) 328-6000  
Fax: (212) 328-6001

**Customer No. 61834**